IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re P	Patent Application of:)	Group Art Unit: 1631
HOGA	AN et al.)	Examiner: Marschel, A.
Serial	No. 08/454,529)	Atty. Docket No. GP004-16.DV4
Filed:	May 30, 1995)	VIA FEDERAL EXPRESS
For:	METHODS FOR DETERMINING)	·
	THE PRESENCE OF NON-VIRAL)	
	ORGANISMS IN A SAMPLE)	·

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Examiner Ardin H. Marschel
Art Unit 1631
United States Patent and Trademark Office
7th Floor Receptionist
1911 South Clark Place
Crystal Mall One
Arlington, Virginia 22202

Dear Examiner Marschel:

In accordance with MPEP § 2001.06(c), Applicants hereby bring to the Examiner's attention the existence of Civil Action No. 99 CIV 4548, a patent infringement action brought by Enzo Biochem, Inc. against Gen-Probe Incorporated *et al.* in the United States District Court for the Southern District of New York. The patent asserted in this infringement action is U.S. Patent No. 4,900,659 ("the '659 patent"), a patent which issued to Enzo Biochem and includes claims directed to the detection of *Neisseria gonorrhoeae* in a test sample. The Gen-Probe products alleged to infringe the '659 patent by Enzo Biochem include oligonucleotides covered by one or more claims of the above-captioned application. A copy of the '659 patent and references produced by the parties to this litigation are listed on the attached forms PTO/SB/08 (two copies) and are enclosed herewith for consideration in connection with the examination of the above-captioned application.

This Information Disclosure Statement is being submitted under the provisions set forth in 37 C.F.R. § 1.97(c) more than three months from the filing date of the subject application and after the mailing date of a first Office action on the merits but before the mailing date of final action, notice of allowance or action that otherwise closes prosecution in the application. Although ex parte prosecution in the instant application has been suspended, due to a potential interference, Applicants submit that a suspended prosecution does not close prosecution in an application.

Please charge the fee set forth in 37 C.F.R. § 1.17(p), and any other fee which may be due, to Deposit Account No. 07-0835 in the name of Gen-Probe Incorporated.

Applicants respectfully request an indication that the cited references were considered by returning a copy of the attached forms PTO/SB/08 with the Examiner's initials or other appropriate marks.

At the Examiner's recommendation, this correspondence (and any referred to as attached) is being sent by Federal Express on the date indicated below to Examiner Ardin H. Marschel, Art Unit 1631, United States Patent and Trademark Office, 7th Floor Receptionist, 1911 South Clark Place, Crystal Mall One, Arlington, Virginia 22202.

By:

Respectfully submitted,

Dated: May 5, 2003

Charles B. Cappellari

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PTO/SB/08A (08-00)
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MEO		NI DIO	N 0011DE	Application Number	08/454,529			
			CLOSURE	Filing Date	May 30, 1995			
STATEMENT BY APPLICANT			PLICANT	First Named Inventor	HOGAN et al.			
4				Group Art Unit	1631			
(use as many sheets as necessary)				Examiner Name	Marschel, A.			
Sheet	1	of	12	Attorney Docket Number	GP004-16.DV4			

		_		U.S. PATENT DOCL	JMENTS	
Examiner Initials*	Cite No.1	Number (if	ument nd Code² known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		4,446,230	A1	Zubrzycki	05-01-1984	
		4,563,419	A1	Ranki et al.	01-07-1986	
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		4,900,659	A1	Lo et al.	02-13-1990	
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Examiner Initials*	Cite No. ¹	Office ³	Number ⁴	Kind Code ⁵ (if known)	Applicant of Cited Document	Cited Document MM-DD-YYYY	Where Relevant Passages or Relevant Figures Appear	יד
		EP	0 114 668	A2	INTEGRATED GENETICS, INC.	08-01-1984		1
		EP	0 124 124	A2	ENZO BIOCHEM, INC.	11-07-1984		1
		EP	0 128 332	A1	ENZO BIOCHEM, INC.	12-19-1984		十
		EP	0 153 873	A2	AMERSHAM INTERNATIONAL plc	09-04-1985		+
		EP	0 164 876	A1	ALLIED CORPORATION et al.	12-18-1985		1
		EP	0 173 339	A2	ENZO BIOCHEM, INC.	03-05-1986		\top
		EP	0 238 332	A2	CETUS CORPORATION	09-23-1987		\top
		wol	85/05037	A1	SYNTEK et al.	11-21-1985		T
		wo	87/04165	A1	TORAY INDUSTRIES, INC.	07-16-1987		†
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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as Indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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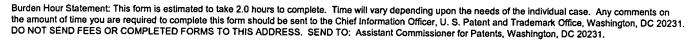
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	00111		1001 001100	Application Number	08/454,529
INF	ORMATIC	ט אכ	ISCLOSURE	Filing Date	May 30, 1995
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Sheet	2	of	12	Attorney Docket Number	GP004-16.DV4

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Examiner Initials	Cite No.1							
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Sheet	. 3	of	12	Attorney Docket Number	GP004-16.DV4	

	OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS							
Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.							
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		OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS	
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	,	OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS	_
Examiner Initiats*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Ţ2
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Ì	Co	mplete if Known	
	Application Number	08/454,529	
	Filing Date	May 30, 1995	
İ	First Named Inventor	ventor HOGAN et al.	
	Group Art Unit	1631	
	Examiner Name	Marschel, A.	
	Attomey Docket Number	GP004-16.DV4	

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²
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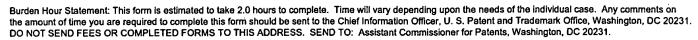
Substitute for form 1449B/PTO	Co	Complete if Known				
	Application Number 08/454,529 TION DISCLOSURE Filing Date May 30, 1995 First Named Inventor HOGAN et al. Group Art Unit 1631 Examiner Name Marschel, A.					
INFORMATION DISCLOSE		May 30, 1995				
STATEMENT BY APPLICA	NT First Named Inventor	HOGAN et al.				
OTATEMENT BY ATTEMP		1631				
(use as many sheets as necessary)	Examiner Name	Marschel, A.				
Sheet 9 of 12	Attorney Docket Number	GP004-16.DV4	_			

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			ISCLOSURE	Filing Date	May 30, 1995	
STATEMENT BY APPLICANT				First Named Inventor	HOGAN et al.	
017		- .	/ (Group Art Unit	1631	
	(use as many	sheet	s as necessary)	Examiner Name	Marschel, A.	
Sheet	10	of	12	Attorney Docket Number	GP004-16.DV4	

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		VIRTANEN et al., "Novel Test for Rapid Viral Diagnosis: Detection of Adenovirus in Nasopharyngeal Mucus Aspirates by Means of Nucleic-Acid Sandwich Hybridization," The Lancet, 1983 Feb., 1(8321):381-3	
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